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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,871	08/09/2001	Joachim Jacke	740116-335	3692
22204	7590	01/14/2004	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			MAYO III, WILLIAM H	
			ART UNIT	PAPER NUMBER
			2831	
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/924,871	Applicant(s) JACKE, JOACHIM
	Examiner William H. Mayo III	Art Unit 2831

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on \_\_\_\_ .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 15-34 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 15-34 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) 5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_. 6)  Other: \_\_\_\_\_

**DETAILED ACTION**

***Withdrawal of Finality***

1. Applicant's phone request for reconsideration of the finality of the rejection of the last Office action mailed September 8, 2003, is persuasive and, therefore, the finality of that action is withdrawn.

***Allowable Subject Matter***

2. Applicant is advised that the Notice of Allowance mailed April 15, 2003 is vacated in view of the newly discovered reference(s) to Collins (Pat Num 4,241,967). If the issue fee has already been paid, applicant may request a refund or request that the fee be credited to a deposit account. However, applicant may wait until the application is either found allowable or held abandoned. If allowed, upon receipt of a new Notice of Allowance, applicant may request that the previously submitted issue fee be applied. If abandoned, applicant may request refund or credit to a specified Deposit Account.
3. Rejections based on the newly cited reference(s) follow. The examiner apologizes in advance for any inconvenience this may cause.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 15-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Collins (Pat Num 4,241,967). Collins discloses cable terminal (Figs 1-4) for moisture sealing individual stranded wires extending to contacts (Col 1, lines 5-12). Specifically, with respect to claim 15, Collins discloses a cable terminal (1) for end face connection of a conductor (33, 35, 37) of a cable (not shown) comprising a plug part (13) having at least one contact element (5), a cable receiver (15) capable of being connecting to the plug part (13, Fig 1), and a core holding and guiding part (3 & 19) having at least one core guidance channel (33), wherein the core holding and guiding part (3 & 19) is located between the plug part (13) and the cable receiving (15) and is surrounded by the plug part (13) and the cable receiver (15), when the plug part (13) and the cable receiver (15) are connected to one another (Fig 1), wherein the core holding and guiding part (3 & 19) includes a first section (19) of soft material (i.e. silicone rubber, Col 2, lines 46-48), and a second section (19) of hard material (i.e. thermoplastic, Col 2, line 35) which is harder than the soft material (i.e. silicone rubber material), the at least one core guidance channel (33) being provided in the first section (19) and the second section (3) having a positioning aid (7), wherein the core guidance channel (33) and the positioning aid (7) being shaped to align the conductor (27) of the cable (not shown) to the at least one contact element (5, Col 2, lines 45-53). With respect to claim 16, Collins discloses that the cable (not shown) is a multi-core cable (not shown) having a plurality of conductors (27), wherein at least one contact (5) is a plurality of contact elements (top and bottom 5) and at least one core guidance channel (33) is a plurality of core guidance channels

(top and bottom 33), the plurality of core guidance channels (top and bottom 33) and the positioning aid (7) being shaped to align the plurality of conductors (27) of the multi-core cable (not shown) to the plurality of contact elements (5, Col 2, lines 45-53). With respect to claim 17, Collins discloses that the plug part (13) and the cable receiver (15) are connected to one another by screwing the plug part (13) relative to the cable receiver (15, Fig 1). With respect to claim 18, Collins discloses first section (19) is formed of a soft thermoplastic elastomer (i.e. silicone rubber, Col 3, lines 46-48). With respect to claim 19, Collins discloses that the second section (3) may be formed of hard thermoplastic (Col 2, line 35). With respect to claim 21, Collins discloses that a diameter of each of the plurality of core guidance channels (33) corresponds to a largest diameter of the plurality of cores (27, Col 2, lines 54-63). With respect to claim 22, Collins discloses that the positioning aid (7) has a plurality of holes (at 7) assigned to the plurality of core guidance channels (33) of the core holding and guiding part (3 & 19) wherein the plurality of holes (at 7) have a tapering cross section (Fig 1). With respect to claim 23, Collins discloses that plurality of holes (at 7) of the positioning aide (7) has a funnel shape and conical shape (Fig 1). With respect to claim 24, Collins discloses that the plurality of holes (at 7) of the positioning aid (7) includes a stop (middle round shape piece) for the plurality of cores (27) pushed through the plurality of core guidance channels (33) of the core holding and guiding part (3 & 19). With respect to claim 25, Collins discloses a plurality of holes (at 7) of positioning aid (7) having a first tapering area (Fig 1) which adjoins one of the plurality of core guidance channels (33) of the core holding and guidance part (3 & 19), a second area of constant diameter (middle section)

and a third widening area (at ends of 7). With respect to claim 27, Collins discloses that sleeve (outside surface of 13) with an outside thread (not numbered) and the plug part (13) includes a union nut (at 15) with an inside thread corresponding to outside thread of the sleeve (Fig 1). With respect to claim 28, Collins discloses the plug part (13) includes an inside sleeve (inside surface) located within the union nut (15), the inside sleeve (inside surface) surrounding the core holding and guiding part (3 & 19) when the cable receiver (15) is connected to the plug part (13), the inner sleeve (inside surface) having an inside diameter (inner diameter) which is at least partially smaller than an outside diameter of core holding and guiding part (3 & 19). With respect to claim 30, Collins discloses that the plug part (13) includes a contact carrier (inner surface) with a plurality of holes (not numbered) for holding the plurality of contact elements (5), each of the plurality of contact elements (5) having contact spikes (25) on ends facing the core holding and guiding part (3 & 19, Fig 1). With respect to claim 31, Collins discloses a core holding and guiding part (3 & 19) for use in a cable terminal for a end face connection of a plurality of conductors (27) of a multi-core cable (not shown) with a plug part (13) having plurality of contact elements (5), wherein the core holding and guiding part (3 & 19) includes a first section (19) of soft material (i.e. silicone rubber, Col 2, lines 46-48), and a second section (19) of hard material (i.e. thermoplastic, Col 2, line 35) which is harder than the soft material (i.e. silicone rubber material), the at least one core guidance channel (33) being provided in the first section (19) and the second section (3) having a positioning aid (7), wherein the core guidance channel (33) and the positioning aid (7) being shaped to align the conductor (27) of the

cable (not shown) to the at least one contact element (5, Col 2, lines 45-53). With respect to claim 18, Collins discloses first section (19) is formed of a soft thermoplastic elastomer (i.e. silicone rubber, Col 3, lines 46-48). With respect to claim 19, Collins discloses that the second section (3) may be formed of hard thermoplastic (Col 2, line 35). With respect to claim 34, Collins discloses that the first and sections of the core holding and guiding part (3 & 19) are formed connected to one another (Fig 2).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 20, 26, 29, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Collins (Pat Num 4,241,967) in view of Koch (Pat Num 5,755,589). Collins discloses cable terminal (Figs 1-4) for moisture-sealing individual stranded wires extending to contacts (Col 1, lines 5-12) as applied to claims 15, 38, & 31 above.

However, Collins doesn't necessarily disclose the first and second sections of the core holding and guiding part being formed connected to one another as one integral piece (claims 20 & 34), nor a polarization element formed by a groove on at least one of the plug part and the cable receiver and corresponding engagement mechanism sized to engage the groove on the other of the at least one of the plug part and the cable

receiver (claim 26), nor the inside diameter of the inside sleeve widening toward an opening that receives the core holding and guiding part (claim 29).

Koch teaches cable terminal (Figs 1-2) for connecting a multi-core cord having individual stranded wires (Col 1, lines 5-10). Specifically, with respect to claims 20 & 34, Koch teaches that the first and sections of the core holding and guiding part (5) are formed connected to one another (Fig 2). With respect to claim 26, Koch teaches that the polarization element (21) formed by a groove (23) on at least one of the plug part (16) and the cable receiver and corresponding engagement mechanism sized to engage the groove on the other of the at least one of the plug part (16) and the cable receiver (10, Col 4, lines 24-30). With respect to claim 29, Koch teaches the inside diameter of the inside sleeve widens toward an opening that receives the core holding and guiding part (Fig 2).

With respect to claims 20, 26, 29, & 34, it would have been obvious to one having ordinary skill in the art of cables at the time the invention was made to modify the cable terminal of Collins to comprise the core holding and guiding part configuration as taught by Koch because Koch teaches that such a configuration is simple and cost efficient, simple to install, and maintains a permanently reliable electrical and mechanical connection (abstract).

***Conclusion***

8. Based on the withdrawal of allowance, this action is non-final.

***Communication***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30am-6:00 pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dean Reichard can be reached on (703) 308-3682. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3432 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

  
WHM III  
October 2, 2003